

REQUEST FOR RECONSIDERATION
U.S. Application No. 09/834,639

I. The Rejections Based on Uetani et al

Claims 4-5, 13-15, 19 and 21 are rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Uetani et al (US 6,579,659 B2).

Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Uetani et al further in view of Takahashi et al (US 5478869 A).

The earliest date that Uetani et al is available as prior art under 35 U.S.C. §102(e) is April 3, 2001. Applicants' foreign priority document Japanese Patent Application No. 2000-215574 has a foreign filing date of July 17, 2000.

Enclosed is a sworn English language translation of Japanese Patent Application No. 2000-215574. Applicants therefore remove Uetani et al as a reference by completing their claim to priority with a sworn translation of their Japanese priority application, which supports the pending claims.

In view of the above, Applicants submit that Uetani et al is not available as prior art under 35 U.S.C. §102, and request that the rejections under 35 U.S.C. §§102 and 103 based on Uetani et al be reconsidered and withdrawn.

II. The Rejections Based on Hasegawa

Claims 4-6, 13-15 and 19 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Hasegawa et al (US 6280898 B 1).

The Examiner's statement of the reasons for the rejection based on Hasegawa et al is identical to her statement of the reasons for the rejection in the previous Office Action.

In the "Response to Arguments" section of the Office Action, the Examiner states that the Declaration evidence has been fully considered, but the Examiner found it to be unconvincing.

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The Examiner states that the surfactant is a preferred embodiment, which, the Examiner states, may result in enhanced results. The Examiner suggests that the preferable embodiments should not be used in comparison with the closest prior art. The Examiner particularly suggests presenting data without the use of the surfactant. The Examiner also states that dependent claim 6 recites a silicon-type or fluorine-type surfactant.

Additionally, the Examiner alleges that the Declaration fails to compare the broadest scope of the claimed invention as set forth in claim 6. The Examiner states that claim 6 includes the use of (C) an organic basic compound and (D) a fluorine-type and/or silicon-type surfactant. The Examiner concludes that it is unclear why a fluorine containing surfactant was chosen (in the data) over a silicon containing surfactant and why the organic compound is absent.

Applicants respectfully submit that the present invention is not obvious over the disclosures of Hasegawa '898 and request that the Examiner reconsider and withdraw this rejection in view of the following remarks.

Applicants respectfully submit that the present invention is not obvious over the disclosures of Hasegawa '898 for the reasons of record. Additionally, to further prosecution, attached is a Declaration Under 37 C.F.R. §1.132 of Mr. Kenichiro Sato, which includes further comparative testing. The §132 Declaration includes comparative experiments with samples of systems free of surfactant, systems containing different types of surfactants (a Fluorine-type, a Si-type surfactant and a surfactant other than an F- or Si-type surfactant), and further systems with and without an organic basic compound. As set forth in further detail in the §132 Declaration, the samples within the scope of the present invention are unexpectedly superior to

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the comparative samples. Applicants respectfully submit that the data are commensurate in scope with Applicants' claims.

For the above reasons, it is respectfully submitted that the subject matter of claims 4-6, 13-15 and 19 is neither taught by nor made obvious from the disclosures of Hasegawa '898 and it is requested that the rejection under 35 U.S.C. §103(a) be reconsidered and withdrawn.

III. Conclusion

In view of the above, Applicants respectfully submit that their claimed invention is allowable and ask that the rejections under 35 U.S.C. §§102 and 103 be reconsidered and withdrawn. Applicants respectfully submit that this case is in condition for allowance and allowance is respectfully solicited.

If any points remain at issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the local exchange number listed below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

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